

## **II. Remarks**

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this amendment, Claims 2-4 will be pending in this application. Claims 5-16 have been withdrawn from consideration. By this amendment, Claim 1 has been canceled without prejudice or disclaimer and Claims 2-4 have been amended. No new matter has been added. Claim 2 is independent.

### **Nonstatutory Double Patenting Rejection**

Claim 2 stands rejected on the ground of nonstatutory double patenting over claim 1 of U.S. Patent No. 6,743,877 B1. Applicants respectfully submit herewith a terminal disclaimer thereby rendering this rejection moot.

### **Claim Objections**

Claims 2 and 4 also have been objected to. Applicants respectfully request that this objection be removed in view of amended Claims 2 and 4.

### **Rejections Under 35 U.S.C. §112, paragraph 2**

Claims 1-4 stand rejected under 35 U.S.C. § 112, paragraph 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By this amendment, Claim 1 has been canceled, thereby rendering this rejection moot with respect to that claim.

Applicants respectfully point out that by this amendment, Claim 2 has been amended and now incorporates the “M+” limitation from original Claim 1. In the outstanding Office Action the Examiner asserted that the “M+” feature of original Claim 1 causes indefiniteness because it represents an alkaline-earth cation, a transition metal cation, a rare earth

cation, or an organometallic cation, which may not have a +1 charge. Amended Claim 2 specifies that the expression “M<sup>+</sup>” means n/pM<sup>p+</sup> where n is the number of atom or molecule the cation and p is the valency of said cation, which relationship is well known to those skilled in the art. In view of amended Claim 2, Applicants submit that one skilled in the art would clearly understand to adjust the number of the cation as a function of its valency.

In addition, Applicants respectfully point out that amended Claim 2 now incorporates the “nium” limitation from original Claim 1. In the November 9, 2006 Office Action, the Examiner asserted (with respect to now canceled Claim 1) that the recitation “an organic cation of the “nium” type” causes indefiniteness because the Applicants do not clearly set forth the metes and bounds of the patent protection desired. Applicants respectfully disagree. The “nium” limitation in amended Claim 2 refers to a well known type of cation having the “nium” suffix. Applicants submit that the metes and bounds of this limitation would be well understood by those skilled in the art.

In the Office Action, the Examiner also indicated that the second formula in Claim 2 does not have a charge and is thus not encompassed by Formula I. By this amendment, Claim 2 has been amended and no longer includes the second formula, thereby obviating this rejection. Accordingly, it is respectfully requested that this rejection be withdrawn with respect to claim 2 and the claims depending therefrom.

#### Rejections Under 35 U.S.C. §102(b)

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shionogi & Co. Ltd. (GB 1,115,335). Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Kotek et al. (Journal of Polymer Science: Polymer Chemistry Edition, 21, 2837 – 2841 (1983)), by Tsutsumi et al. (Journal of Power Sources, 68, 735 – 738 (1997)), and by Tsutsumi et al. (Journal of Colloid and Interface Science, 185, 432 – 435 (1997)). Claims 1 and 2

stand rejected under 35 U.S.C. §102(b) as being anticipated by Pletcher et al. (Journal of Polymer Science: Polymer Chemistry Edition, 18, 643 – 660 (1980)) and by Speck (U.S. Pat. No. 5,637,452). Claim 4 stands rejected under 35 U.S.C. §102(b) as being anticipated by Fleischer (U.S. Pat. No. 5,512,381).

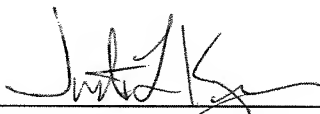
As indicated above, by this amendment, Claim 1 has been canceled, thereby rendering these rejections moot with respect to that claim.

Applicants respectfully submit that, as amended, independent Claim 2 recites subject-matter neither taught nor suggested by the references of record. Accordingly, Applicants respectfully request the withdrawal of the Examiner's rejections of claim 2 and the claims depending therefrom under 35 U.S.C. §102(b).

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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